



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 11, 2018

VIA ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: Kelley Amadei, et al. v. Kirstjen M. Nielsen, et al.
Case No.: 17-CV-5967 (Garaufis, J.) (Scanlon, M.J.)**

Dear Judge Scanlon:

This office represents the following defendants, each sued in their official capacity: Kirstjen M. Nielsen, Secretary of Homeland Security; Kevin K. McAleenan, Acting Commissioner of United States Customs and Border Protection (“CBP”); Leon Hayward, Acting Director, CBP New York Field Operations; Francis J. Russo, CBP Port Director, John F. Kennedy International Airport, Port of Entry; Thomas Homan, Acting Director, United States Immigration and Customs Enforcement (“ICE”); Thomas Decker, Director, New York Field Office, Enforcement and Removal Operations, ICE; and David Jennings, Director, San Francisco Field Office, ICE (collectively “Defendants”).

Defendants write in brief response to Plaintiffs’ opposition to Defendants’ request to extend the time for the parties to file a joint status discovery letter due tomorrow, and to adjourn the discovery status conference scheduled for April 19, 2018. While Plaintiffs argue that Defendants will have time before the conference to address the objections Plaintiffs have raised to Defendants’ discovery responses, Plaintiffs ignore the fact that the Court has required the parties to file a joint letter a week in advance of the conference. That letter is currently due tomorrow.

Defendants requested the adjournment for two reasons. First, the additional time will give the parties an opportunity to confer after Defendants have had a chance to discuss Plaintiffs’ objections with the client agencies. Having been first informed of the objections in writing over the weekend, Defendants are still coordinating with the agencies involved in this action to finalize responses. Second, the additional time will allow the parties to provide the Court with accurate information about where the parties stand with respect to discovery disputes, both in advance of the conference in the joint letter and at the conference.

While Defendants served their responses on March 12, 2018, it took Plaintiffs almost three weeks to review those responses and raise objections. Inexplicably, Plaintiffs now unreasonably expect Defendants to respond meaningfully to those objections in just a few days. As a result, the

joint letter the parties are currently required to file by tomorrow cannot include Defendants' finalized responses to Plaintiff's discovery objections.

Because moving the conference will allow the parties to work through their discovery disputes, and Plaintiffs have identified no prejudice in adjourning the conference, Defendants continue to request that the deadline to file the joint discovery status letter, currently due tomorrow, be extended and that the conference be adjourned from April 19, 2018 to a date later in April or early May that is convenient for the Court.

Defendants thank the Court for considering this request.

Respectfully submitted,

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